

PLANNING BOARD MINUTES

May 14, 2008

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart, Vice Chairman Frank Holbrook, Town Solicitor

Audrey Rearick , Secretary

Richard Adams

Frank Forgue

Gladys Lavine

Betty Jane Owen

The meeting was called to order at 6:30 pm.

Minutes

Motion by Ms. Rearick, seconded by Ms. Owen, to approve the minutes of the April 9, 2008 regular meeting. Vote: 7-0-0.

Old Business

1. Duncan & Barbara Chapman, Request of the Zoning Board of Review for an advisory recommendation regarding proposed residential development within Zone 1 of the Watershed Protection District, 566 Paradise Ave., Plat 127, Lot 3-C

Attorney David Martland represented the applicant. He described the proposal, including the plan to perform habitat restoration work along the stream on the property. Utilities to serve the pool area would be

installed under the stream. RIDEM wetland permit application has been submitted.

There was discussion of stormwater runoff control.

Mr. Martland stated that infiltration will be incorporated into the plan including trenches to collect roof runoff. The parking area will consist of pavers that will allow for infiltration.

Mr. Wolanski stated that the applicant, at the time of building permit, must provide a stormwater management plan that conforms with the town requirement that there be no increase on the rate of runoff as a result of the new development.

Ms. Owen summarized the discussion by the Conservation Commission. The Conservation Commission has recommended that the applicant be required to receive RIDEM approval, and that infiltration of stormwater be required.

There was discussion of the pool, and potential impacts from draining pool water.

Mr. Martland stated that his client is investigating the use of alternative filtration methods to reduce the need for chlorine. RIDEM has also requested that the applicant provide a drywell to accept drained pool water.

Mr. Weber asked about construction on the opposite side of the stream.

Mr. Martland confirmed that there would be a temporary stream crossing installed to allow for construction of the pool and pool house.

Mr. Eckhart asked about plans for a basement. He suggested that

foundation drainage might be needed if there is a high water table. He also recommended that test holes be drilled in the area of the proposed pool given the exposed bedrock in the area.

Mr. Adams asked about the existing waterline that traverses the property.

Mr. Martland stated that the water line serves an abutting property. It will be relocated and will be within an easement.

Motion by Ms. Owen, seconded by Mr. Eckhart, to forward a conditional positive recommendation to the Zoning Board of Review with the following recommended conditions:

1. At the time of development of the new building lot, the builder would be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). To the extent possible storm water runoff should be infiltrated on the property.
2. The applicant is required to secure all necessary state and local permits, including RIDEM wetlands if necessary, prior to issuance of building permits.
3. The use of lawn chemicals, including pesticides, herbicides, and fertilizer shall be minimized.
4. As requested by RIDEM, and subject to any necessary state and local permits, a drywell for the purpose of infiltrating pool water that may be drained from the proposed pool, shall be installed in conjunction with pool construction.

Vote: 7-0-0.

2. Request of the Town Council for an advisory recommendation on a

proposal to amend the Middletown Zoning Ordinance Section 603 regarding dimensional regulations in the Office Park (OP) zoning district.

Mr. Weber stated that the Board is awaiting comments from the Middletown Economic Development Advisory Committee.

Motion by Ms. Owen, seconded by Mr. Eckhart, to continue the matter the June 11, 2008 Planning Board meeting. Vote: 7-0-0.

3. Request of the Town Council for an advisory recommendation on a proposal to amend the Middletown Zoning Ordinance Section 602, Zoning District Permitted Uses, regarding two-family dwellings

Mr. Wolanski described the proposal and the action that has been taken by the Planning Board and Town Council in the past several years on this issue. The current situation, which allows duplex development in the RM, R-10, and R-20 districts by-right, provided that increased minimum lot sizes are met, was adopted in 2006.

Mr. Weber stated that this issue was recently reviewed by the Zoning Ordinance Review Committee (ZORC). He stated that the required minimum lot size offers protection to abutters. A special use permit is required if lot size is not met. Additional regulation is not necessary.

Mr. Eckhart stated that this issue was raised as a result of a particular neighborhood circumstance, and amendment to the Zoning Ordinance is not warranted.

Mr. Adams and Mr. Forgue agreed that sufficient safeguards are in place to address this issue on a town-wide basis.

There was no one in the audience wishing to speak on this matter.

Motion by Ms. Rearick, seconded by Ms. Owen, to recommend to the

Town Council that no action be taken at this time to amend section 602 of the Zoning Ordinance regarding two-family dwellings. Vote: 7-0-0.

4. Request of Peter Gallipeau for consideration of proposed amendments to Article 7 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land relating to performance guarantees

The Town Solicitor, Mr. Holbrook, stated that he is in the process of reviewing Mr. Gallipeau's concerns and he expects to have a recommendation to the Planning Board for consideration at it June meeting.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue this matter to the June 11, 2008 Planning Board meeting. Vote: 7-0-0.

5. Discuss process to develop zoning ordinance amendment relating to installation of wind turbines.

Mr. Weber stated that he has requested the assistance of the Aquidneck Island Planning Commission to organize an educational presentation for the island planning boards.

Mr. Wolanski stated that he will continue to research ordinances regulating wind energy turbines.

By consensus the matter was continued to the June 11, 2008 Planning Board meeting.

4. Discuss status of draft Inclusionary Housing ordinance

Mr. Wolanski stated that he has scheduled a meeting to review the draft with Steve Ostiguy of Church Community Housing for May 16, 2008 at 9am. Planning Board members are welcome to attend.

By consensus the matter was continued to the June 11, 2008 Planning Board meeting.

New Business

5. Bancroft Partners, LLC , Proposed Administrative Subdivision, Tuckerman Ave. (Plat 122, Lots 123 & 127)

Mr. Weber stated that he was considering the need for a Planning Board site visit to view the property.

Attorney Robert Silva represented the applicant. He stated that there would be little to see at the property since the plan is to simply rearrange property lines.

Mr. Silva explained that the reason for the proposed change, which would reinstitute the lot lines as they existed in 2005, is do to need for CRMC approval of a building location as it exists currently, and concerns that have been raised by an abutter. The proposed change in lot lines would result in a building envelop that is located outside of the 200' CRMC jurisdiction.

Mr. Silva stated that due to an addition to the existing building on the property, relief granted by the Zoning Board of review would be required prior to final approval of the subdivision plan. He requested that the Planning Board grant conditional approval, subject to the necessary zonig relief.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to grant condition subdivision plan approval subject to the applicant being grant the necessary zoning relief by the Zoning Board of Review. Vote 7-0-0.

6. Omni Land Company, Request for 90-day extension of final subdivision plan approval. 9-lot subdivision of land fronting on West

Main Rd. Plat 111, Lots 8, 9, 9a, &10.

Attorney Robert Silva represented the applicant. He stated that his client is continuing to work toward satisfying the conditions of the final plan approval. He requested a 90-day extension of the approval.

Motion Ms. Rearick, seconded by Ms. Owen, to grant an additional 90-day extension of the final subdivision plan approval. Vote: 7-0-0.

7. Carol Cummings, Proposed 2-lot subdivision, Plat 129, Lot 154, Indian Avenue, Request for extension of plan approval

Mr. Wolanski stated that he had received a letter from Ms. Cummings requesting a 6-month extension of the final approval of the subdivision plan.

Motion Ms. Rearick, seconded by Ms. Owen, to grant an additional 6-month extension of the final subdivision plan approval. Vote: 7-0-0.

Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote: 7-0-0

The meeting adjourned at 7:30pm